FELIXSTOWE TOWN COUNCIL

SCHEME OF DELEGATION 2026-27

1. Purpose and Legal Basis

1.1 This Scheme of Delegation sets out the Council's arrangements for the discharge of its functions by Full Council, its Committees and the Town Clerk.

1.2 The Scheme is made pursuant to the Council's powers of delegation under Section 101 of the Local Government Act 1972, subject to any express statutory provision which requires a function to be exercised in another manner.

1.3 The Council's exercise of the General Power of Competence under Section 1 of the Localism Act 2011, where applicable, is a separate substantive power and does not of itself determine who may exercise a function on behalf of the Council.

1.4 This Scheme shall be read alongside the Council's:

- Standing Orders;
- Financial Regulations;
- Committee Terms of Reference;
- approved policies and procedures;
- approved budgets; and
- individual resolutions of Full Council and Committees.

Where a function is subject to a specific statutory requirement, that requirement takes precedence over this Scheme.

2. Principles of Delegation

2.1 Full Council

Full Council retains responsibility for matters which:

- are required by law to be determined by the Council;
- the Council has expressly reserved to itself; or
- are otherwise not capable of being delegated.

Full Council may also exercise any function which has been delegated to a Committee or the Town Clerk and may amend, withdraw or vary any delegation.

2.2 Committees

Council may delegate functions to its Standing Committees. The detailed powers, responsibilities, financial authority and remits of individual Committees are set out in the Council's separately adopted **Terms of Reference**.

The Terms of Reference form part of the Council's constitutional framework and shall be read alongside this Scheme.

This Scheme does not reproduce those detailed Committee responsibilities.

2.3 Town Clerk

The Town Clerk is the Council's Proper Officer and Responsible Financial Officer and shall exercise the functions delegated to that office by Full Council, subject to:

- the law;
- this Scheme;
- Standing Orders;
- Financial Regulations;
- approved budgets;
- Council policies; and
- decisions and directions of Full Council and its Committees.

The Town Clerk shall act within the limits of delegated authority and shall report matters to Council or the appropriate Committee where required by this Scheme, the Council's regulations, policies or resolutions.

3. Delegated Authority to the Town Clerk

Subject to any further delegation by Committees and the provisions of this Scheme, the Town Clerk has the following delegated authority.

3.1 Financial Management

3.1.1 Routine expenditure

To approve routine expenditure within approved budget provisions without further approval by Committee.

All such expenditure remains subject to the Council's Financial Regulations and approved budget.

3.1.2 Emergency expenditure

In the event of an emergency, to incur expenditure up to a maximum of £50,000, in consultation with the Town Mayor.

Any such expenditure shall be reported through the Council's normal financial and governance arrangements.

3.1.3 Investments

To make investments in accordance with the Council's approved investment policy and strategy.

3.2 Staffing

Within the agreed staffing establishment and approved budget, the Town Clerk may:

- vary the working hours of established staff; and
- recruit permanent, casual and contract staff,

provided that the grade of such staff is **NJC Scale Point 23 or below**.

All staffing decisions remain subject to the Council's employment policies, approved establishment and budget.

3.3 Council Premises and Land

With just cause, to restrict or prohibit persons from entering Council premises or land where this is reasonably necessary for the protection of staff, councillors, contractors, service users or members of the public, subject to applicable legal requirements.

3.4 Commercial Filming

To negotiate commercial filming rights on Council property or land, subject to the Council's policies, terms and conditions and any applicable financial or contractual requirements.

3.5 Council Publications

To produce and/or edit Council publications in consultation with the Town Mayor or the formally appointed Council body responsible for the relevant publication or subject.

3.6 Legislation and Regulatory Requirements

Where timescales require, to implement legislation which affects the Town Council, provided that the action is within the Council's lawful functions and does not involve a matter which is legally required to be determined by Full Council or another body.

The Town Clerk shall report such implementation to Full Council.

3.7 Recovery of Council Debts

To take legal action to recover debts owed to the Council where the Town Clerk considers such action to be proportionate and necessary.

Any action shall be undertaken in accordance with applicable legislation, the Council's Financial Regulations and other relevant Council policies.

4. Emergency Delegation Where Council Meetings Are Suspended

4.1 Should the holding of Council meetings be suspended as a result of a civil emergency, the implementation of Government advice, restrictions on direct contact in relation to national health, or another emergency which prevents the Council from safely or lawfully conducting its meetings, all functions of the Council which may lawfully be delegated, other than matters specifically reserved by law to be

determined by a meeting of the Council, shall be temporarily delegated to the Town Clerk as the Council's Proper Officer.

4.2 In exercising this emergency delegation, the Town Clerk shall consult with:

- the Town Mayor, or the Deputy Mayor if the Mayor is unavailable; and/or
- the Chair of the appropriate relevant Committee, or the Vice-Chair if the Chair is unavailable,

as appropriate to the matter concerned.

4.3 Decisions made under this emergency delegation shall be directed towards:

- the continuation of Council services and business;
- the protection of the Council's assets, finances, staff and the public; and
- new Council policy or functions arising directly from the circumstances which precipitated the suspension of Council meetings.

4.4 The Town Clerk shall maintain a written record of decisions made under this emergency delegation.

4.5 Decisions made under this delegation shall be reported to and formally noted by Full Council at its next Ordinary or Extraordinary Council meeting.

4.6 The emergency delegation shall remain in force only for as long as necessary and shall be reviewed by Full Council at its next Ordinary or Extraordinary Council meeting.

5. Accountability and Review

5.1 Delegation is an authority to act on behalf of the Council and does not remove the accountability of the Council as the principal decision-making body.

5.2 The Council may at any time amend, vary, suspend or withdraw a delegation.

5.3 A Committee may exercise a function delegated to it by Full Council unless the Council has expressly reserved that function to another body.

5.4 Nothing in this Scheme authorises the Town Clerk, a Committee or any other person to exercise a function which legislation requires to be exercised by a specified body or in accordance with a specified procedure.

5.5 This Scheme shall be reviewed annually as part of the Council's governance arrangements and may be reviewed earlier where there is a change in legislation, Council structure, Committee responsibilities or delegated authority.